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EXAMINER

WASSUM, LUKE S

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,592	Applicant(s) DEH-LEE, KENNETH	
	Examiner Luke S. Wassum	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received. .
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040826</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's amendment, filed 26 August 2004, has been received, entered into the record, and considered.
2. As a result of the amendment, claims 1, 2 and 17-20 have been amended, and new claims 22-24 have been added. Claims 1-24 are now pending in the application.

The Invention

3. The claimed invention is a system for allowing a user to query a database of experts, wherein each expert has corresponding attributes, and wherein the user query comprises weighted attributes, and wherein a ranked list of experts fulfilling the user's requirements is returned.

Information Disclosure Statement

4. The Applicants' Information Disclosure Statement, filed 26 August 2004, has been received and entered into the record. Since the Information Disclosure Statement complies with the provisions of MPEP § 609, the reference cited therein has been considered by the examiner. See attached form PTO-1449.

Claim Rejections - 35 USC § 112

5. In view of the amendment to claim 1, the examiner withdraws the pending claim rejections under 35 U.S.C. § 112.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1, 3-9, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632).

9. Regarding claim 1, **Walker et al.** teaches a method of identifying relevant experts using a search request from a user substantially as claimed, comprising:

- a) maintaining an updateable and searchable database of expert profiles, wherein the profiles include attributes of a particular expert (see disclosure of expert database, col. 14, lines

25-41; see also expert qualifications database, col. 14, line 66 through col. 15, line 9);
see also expert database 255 and expert qualifications database 285 in Figure 2); and
b) receiving a search request from the user (see disclosure of user request, col. 17, lines 13-35).

Walker et al. does not explicitly teach a method including applying a weight designated by the user to the attributes of a desired expert.

Chao et al., however, teaches a method including applying a weight designated by the user to the attributes of a desired expert (see col. 5, lines 32-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to weight the attributes, since this would allow the user to customize the search based upon which attributes were most important to him/her, stressing those attributes while placing less emphasis on attributes which are preferred, but are not viewed as very important to the user (see col. 5, lines 32-41).

10. Regarding claims 3, 6 and 9, **Walker et al.** additionally teaches a method wherein the attribute is the expert's availability, available time until a next assignment and available travel speed (see disclosure of availability standards as an expert attribute, col. 14, lines 27-28).

11. Regarding claim 4, **Walker et al.** additionally teaches a method wherein the database automatically updates the expert's availability (see disclosure that when an expert is available to

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answer a question, he logs into the Exchange, and the Exchange subsequently routes any pertinent open job requests to the expert for consideration, col. 8, lines 29-32).

12. Regarding claim 5, **Walker et al.** additionally teaches a method wherein the attribute is the expert's area of knowledge (see disclosure of the contents of the expert qualifications database, col. 14, line 66 through col. 15, line 9).

13. Regarding claim 7, **Walker et al.** additionally teaches a method wherein the attribute is the expert's proximity to the user (see disclosure that one expert attribute is location, col. 15, line 3).

14. Regarding claim 8, **Walker et al.** additionally teaches a method wherein the attribute is the expert's available contact method (see disclosure that one expert attribute is contact method (see col. 14, lines 32-38)).

15. Regarding claims 15 and 16, **Walker et al.** additionally teaches a method wherein the profile is able to be created and updated by the expert (see method for creating and updating expert database, col. 17, line 36 through col. 18, line 30).

16. Claims 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** (U.S. Patent 5,544,049).

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17. Regarding claim 17, **Walker et al.** teaches a system for searching for experts having particular attributes substantially as claimed, comprising:

- a) a searchable and updateable database of expert information, wherein said database comprises a plurality of expert profiles, each of said profiles including data relating to one or more static and dynamic attributes of a particular expert (see disclosure of expert database, col. 14, lines 25-41; see also expert qualifications database, col. 14, line 66 through col. 15, line 9; see also method for updating expert database, col. 17, line 36 through col. 18, line 30);
- b) a user interface for allowing users to identify desired characteristics of a desired expert (see disclosure of user request, col. 17, lines 13-35);
- c) a processor for:
 - i) searching said database using said desired characteristics (see disclosure of search based upon submitted user request, col. 20, lines 28-49); and
 - ii) generating a list of ranked experts, wherein each expert's position in the list is determined by a ranking algorithm based on said static attributes and said dynamic attributes (see col. 20, lines 42-43).

Walker et al. does not explicitly teach a system including applying a weight designated by the user to the attributes of a desired expert.

Chao et al., however, teaches a system including applying a weight designated by the user to the attributes of a desired expert (see col. 5, lines 32-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to weight the attributes, since this would allow the user to customize the search based upon which attributes were most important to him/her, stressing those attributes while placing less emphasis on attributes which are preferred, but are not viewed as very important to the user (see col. 5, lines 32-41).

Neither **Walker et al.** nor **Chao et al.** explicitly teaches a system wherein a ranked list of experts is displayed to the user.

Henderson et al., however, teaches a system wherein a ranked list of search results is displayed to the user (see col. 3, lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to display a ranked list of search results to the user, since this would ease the burden on the user to peruse a possibly extensive list of matching results, and furthermore since it would be obvious to display results in the order of best match to worst match, so that the user can easily see and select the result which best matched the request.

18. Regarding claim 20, **Walker et al.** and **Chao et al.** teach a system substantially as claimed, including searching the database using the search request (see **Walker et al.**, disclosure of search based upon submitted user request, col. 20, lines 28-49), and wherein the search uses a ranking algorithm based upon the submitted user weights (see **Chao et al.**, col. 5, lines 42-47).

Neither **Walker et al.** nor **Chao et al.** explicitly teaches a system wherein a ranked list of experts is displayed to the user.

Henderson et al., however, teaches a system wherein a ranked list of search results is displayed to the user (see col. 3, lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to display a ranked list of search results to the user, since this would ease the burden on the user to peruse a possibly extensive list of matching results, and furthermore since it would be obvious to display results in the order of best match to worst match, so that the user can easily see and select the result which best matched the request.

19. Regarding claim 21, **Walker et al.** additionally teaches a system wherein a user interfaces with the database via remote wireless or wireline Internet connection (see disclosure of interface methods, col. 15, lines 21-42).

20. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) as applied to claims 1, 3-9, 15 and 16 above, and further in view of **Henderson et al.** (U.S. Patent 5,544,049).

21. Regarding claim 2, **Walker et al.** and **Chao et al.** teach a method substantially as claimed, including searching the database using the search request (see **Walker et al.**, disclosure of search

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based upon submitted user request, col. 20, lines 28-49), and wherein the search uses a ranking algorithm based upon the submitted user weights (see **Chao et al.**, col. 5, lines 42-47).

Neither **Walker et al.** nor **Chao et al.** explicitly teaches a method wherein a ranked list of experts is displayed to the user.

Henderson et al., however, teaches a method wherein a ranked list of search results is displayed to the user (see col. 3, lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to display a ranked list of search results to the user, since this would ease the burden on the user to peruse a possibly extensive list of matching results, and furthermore since it would be obvious to display results in the order of best match to worst match, so that the user can easily see and select the result which best matched the request.

22. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** (U.S. Patent 5,544,049) as applied to claim 2 above, and further in view of **keen.com** ("web pages").

23. Regarding claim 10, **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** teach a method substantially as claimed.

None of **Walker et al.**, **Chao et al.** nor **Henderson et al.** explicitly teach a method wherein the user is automatically connected to a selected expert by interfacing with the expert's name as it appears on the displayed list.

keen.com, however, teaches a method wherein the user is automatically connected to a selected expert by interfacing with the expert's name as it appears on the displayed list (see the 'Call Now' icon in the list of experts, pages 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the ability to automatically connect a user to a selected expert, since this would be the quickest method of establishing a connection between the user and expert, thus expediting the process.

24. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** (U.S. Patent 5,544,049) as applied to claim 2 above, and further in view of **Lauffer** (U.S. Patent 6,223,165).

25. Regarding claims 11-14, **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** teach a method substantially as claimed.

None of **Walker et al.**, **Chao et al.** nor **Henderson et al.** explicitly teach a method wherein a user has the ability to select which contact medium to use for contacting a selected expert, including telephone and email.

Lauffer, however, teaches a method wherein a user has the ability to select which contact medium to use for contacting a selected expert, including telephone and email (see col. 9, lines 5-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a variety of contact mediums to the user, since this provides flexibility to the user and the expert, and makes accommodations for the user's and expert's immediate availability.

26. Claims 18, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** (U.S. Patent 5,544,049) as applied to claims 17, 20 and 21 above, and further in view of **Hice** (U.S. Patent 6,370,231).

27. Regarding claims 18 and 19, **Walker et al.**, **Chao et al.** and **Henderson et al.** teach a system substantially as claimed.

None of **Walker et al.**, **Chao et al.** nor **Henderson et al.** explicitly teach a system comprising a work order system for processing and storing data related to an expert's work assignments wherein the work order system communicates said work assignment data to said

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searchable and updateable database, wherein work assignment data comprises data related to estimated time of arrival of an expert and data related to estimated completion time of a work assignment.

Hice, however, teaches a system comprising a work order system for processing and storing data related to an expert's work assignments wherein the work order system communicates said work assignment data to said searchable and updateable database, wherein work assignment data comprises data related to estimated time of arrival of an expert and data related to estimated completion time of a work assignment (see disclosure of the system for administering service technicians, analogous to the claimed experts, col. 1, line 48 through col. 2, line 12; see also col. 3, lines 43-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the task management system of Hice with the expert identification system, since this would allow clients to receive timely information on the status of a given expert and that expert's availability (see col. 1, lines 47).

28. Regarding claim 22, Walker et al. additionally comprises a location tracking information system for generating data related to the expert's location wherein said work order system communicates said location data with said searchable and updateable database (see disclosure that the expert database includes physical address information, analogous to the claimed location data, col. 14, lines 25-27).

Furthermore, **Chao et al.** additionally teaches a location tracking information system for generating data related to the expert's location wherein said work order system communicates said location data with said searchable and updateable database (see disclosure that the database includes place of residence, col. 5, line 24).

Finally, **Hice** additionally teaches a location tracking information system for generating data related to the expert's location wherein said work order system communicates said location data with said searchable and updateable database (see disclosure of the calculation of ETA, requiring the use of location information, col. 3, lines 43-55; see also 6, lines 25-31).

29. Regarding claim 23, **Walker et al.** additionally teaches a system wherein location data comprises one or more of data defining the user's location relative to the expert's location and data defining the expert's fixed location (see disclosure that the expert database includes physical address information, analogous to the claimed location data, col. 14, lines 25-27, analogous to the expert's fixed location).

Furthermore, **Chao et al.** additionally teaches a system wherein location data comprises one or more of data defining the user's location relative to the expert's location and data defining the expert's fixed location (see disclosure that the database includes place of residence, col. 5, line 24, analogous to the expert's fixed location, and that the system then matches students with instructors whose attributes match, analogous to the claimed relative location).

Finally, **Hice** additionally teaches a system wherein location data comprises one or more of data defining the user's location relative to the expert's location and data defining the expert's fixed location (see disclosure of the calculation of ETA, requiring the use of location information, col. 3,

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lines 43-55; see also 6, lines 25-31, as well as the determination of relative position, col. 6, lines 25-31).

30. Claim are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.** (U.S. Patent 5,862,223) in view of **Chao et al.** (U.S. Patent 6,325,632) in view of **Henderson et al.** (U.S. Patent 5,544,049) in view of **Hice** (U.S. Patent 6,370,231) as applied to claims 18, 19, 22 and 23 above, and further in view of **Grube et al.** (U.S. Patent 5,570,100).

31. Regarding claim 24, **Walker et al.**, **Chao et al.**, **Henderson et al.** and **Hice** teach a system substantially as claimed.

None of **Walker et al.**, **Chao et al.**, **Henderson et al.** nor **Hice** explicitly teach a system wherein said location tracking information system is a Global Positioning System (GPS).

Grube et al., however, teaches a system wherein said location tracking information system is a Global Positioning System (GPS).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize GPS for the location tracking system, since GPS provides instantaneous position information of an accuracy that is not possible through other means.

Response to Arguments

32. Applicant's arguments filed 26 August 2004 have been fully considered but they are not persuasive.

33. Regarding the Applicant's argument that the **Chao et al.** reference fails to teach applying a weight designated by the user to the attributes of a desired expert, the examiner respectfully disagrees.

Given the fact that the limitation is claimed in the framework of performing a search, an ordinary artisan in the database art would interpret the limitation as meaning that a user chooses weights to be applied to specific characteristics that the user finds more or less important in the desired expert, and those weights are applied to the attributes of the experts being searched. This is in fact what the **Chao et al.** reference teaches, the searched-for teacher being analogous to the claimed expert. The examiner maintains the rejection.

34. Regarding the Applicant's argument that the **Chao et al.** reference fails to teach the searching for an expert based upon both static and dynamic attributes of the expert, the examiner respectfully disagrees.

In the Applicant's specification on page 8, paragraph [0032], it is disclosed that the expert can be searched based upon both static and dynamic attributes. An example of a static attribute is knowledge area. Examples of dynamic attributes are proximity and availability.

The **Chao et al.** reference teaches that the student has characteristics including place of residence and subject of interest (col. 5, lines 24-25), and that the search engine can automatically match students with instructors having the same characteristics (col. 5, lines 29-31). This clearly

teaches the use of knowledge area (a static attribute) and proximity (a dynamic attribute). The examiner maintains the rejection.

Furthermore, the **Walker et al.** reference teaches expert characteristics that include skill sets (analogous to knowledge area, a static attribute) and location (a dynamic attribute), at col. 15, lines 1-9.

35. Regarding the Applicant's argument that the **Walker et al.** reference fails to teach the expert's time to next appointment and travel speed, the examiner respectfully disagrees.

At col. 3, lines 32-59, the **Walker et al.** reference provides an extensive explanation of the different embodiments of the expert's 'availability standards', including the broadest teaching that the professor (e.g., expert) and the client must synchronize their schedules. The examiner maintains the rejection.

36. Regarding the Applicant's arguments that the prior art of record fails to teach the limitations of claims 18 and 19, the examiner respectfully responds that the newly added limitations have been addressed by new prior art.

37. Regarding the Applicant's argument that the **Chao et al.** reference fails to teach the use of a ranking algorithm using the weights of each attribute based on static and dynamic attributes, the examiner respectfully disagrees.

The **Chao et al.** reference teaches that the system generates the best match based upon the desired categories and associated weights. The fact that the system takes these factors into account, and searches the database for instructors which are the best match for the desired characteristics and

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their associated weights requires the use of the claimed ranking algorithm. The examiner maintains the rejection.

Conclusion

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jones (U.S. Patent 6,748,320) teaches a notification system for notifying a user of the impending arrival of a vehicle.

Jones (U.S. Patent 6,804,606) teaches a notification system for notifying a user of the impending arrival of a vehicle based on vehicle proximity.

39. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Luke S. Wassum
Primary Examiner
Art Unit 2167